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Still a Prisoner

TWO DAYS of intense talks between Secretary of State George Shultz (and President Reagan) and Soviet Foreign Minister Eduard Shevardnadze concluded with Nicholas Daniloff still a prisoner. Mr. Shultz reported that despite hard American concentration on the case, it still was not resolved and still stands in the way of a fruitful summit. Mr. Shevardnadze hinted at a possible solution "without pain in the interest of both countries" and added: "Please give us a chance through diplomatic channels."

None of this is especially encouraging. As the days go on, however, with Nick Daniloff still not a free man, he is no less a prisoner for Moscow's having made the American ambassador its surrogate jailer—~~but~~ thing has to be kept in mind. Some observers of the case are taken by the evident similarity of some circumstances of the arrest of Mr. Daniloff and the Soviet picked up in New York. For instance, both had documents planted on them. But there is a deeper, truer difference, and it is that the Soviet was unquestionably a spy who was going about the business of espionage, and Nick Daniloff was unquestionably an innocent journalist. The Soviet suspect knew what documents he was going after: Nick Daniloff did not.

Swaps of spies are a familiar enough feature of Soviet-American relations. But Nick Daniloff is not a spy: President Reagan gave his personal word on it. In grabbing him, the Soviet government created a whole new category of trading bait. The effect is not simply to chill the Western press corps in Moscow. It is also to aggravate the risks of all innocent foreigners there. In that sense the Daniloff arrest went far

to steal foreigners' passports and to leave them exposed to the same total official arbitrariness that Soviet citizens must bear all their lives.

"Diplomacy" is still at work in the Daniloff case and also, it seems, in respect to the 25 Soviet diplomats Washington recently ordered out of the Kremlin's United Nations mission as spies. Already and on its own, the Soviet Union protests, it has met the new ceiling on U.N. staff that Washington set last March. Mr. Shevardnadze termed the expulsion order "a block to the summit." He appeared to be indicating that even though preparations for a summit otherwise appear to be moving along, Moscow would first have to determine that its interest in its U.N. mission had been satisfied.

The terms of reducing medium-range nuclear missiles in Europe and Asia are said to be coming within mutual reach. In Stockholm, an East-West agreement (it would be a Reagan first) is virtually complete on adding a layer of international notification and on-site inspection (this would be a Soviet first) to the measures that East and West already take to learn of the other's military movements in Europe. The Geneva nuclear talks are active. These various things are important, in different degrees. In normal circumstances there would be reason to pursue them with all deliberate speed. But the framing of Nick Daniloff is not a normal circumstance. It would be a great loss if the Kremlin's obstinacy in lowering the obstacle it alone raised, by arresting an innocent American, got in the way of these other projects. But of course it would be a greater loss if it did not.